

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/664,275

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Filed: September 16, 2003

Examiner: Lonsberry, Hunter B

Art Unit: 2623

Confirmation No.: 3440

Commissioner for Patents
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RESPONSE TO OFFICE ACTION

In response to the Office Action mailed July 3, 2006, reconsideration of this application is respectfully requested.

- I. Claims 1 - 10 and 12 - 15 are patentable over Knudson in view of Aristides because the references fail to describe a user interface having a service provider-defined blending of television program choices as presently claimed.**

Knudson, U.S. Patent Application Publication 2005/0149972 (hereinafter, "Knudson") describes an electronic program guide system that allows viewers to designate a set of "favorites", which may include linear and non-linear programming choices, and then view, browse and tune to any of the programming options from this filtered list. (see, e.g., Knudson's Figure 4, and the accompanying text cited by the Office Action). Such a system is, however, distinct from the user interface recited in the present claims. The claimed user interface provides a service provider-defined blending of linear and non-linear television program choices into categories or other groupings of content from which a viewer may select. Such a user interface is not taught by Knudson, hence, the

present claims are patentable over this reference. The Office Action acknowledges this fact. (Office Action page 3 line 1).

Adding the teachings of Aristides, U.S. Patent No. 5,657,072 (hereinafter, "Aristides") does not alter this conclusion. Aristides describes a system to reduce headend requests from EPG's during peak demand times by sending program data over to the set-top boxes during off-demand times. Thus, during peak time the EPG can use data from local storage rather than requesting records from the headend. (Aristides Column 3 lines 6-26). Aristides also describes a mechanism where a media server records broadcast TV programs and the EPG allows the user to scroll backwards from the current time to select and view a recorded, previously broadcast show. (Aristides Column 6 lines 21-33).

It is important to note that the recorded programs are made available from the regular channel listings of the EPG. (Aristides Fig 2). Stated differently, the EPG simply reflects the schedule of programs provided on the respective cable channels. While the listing may be regarded as a being provided by a service provider, no blending is present in this program guide.

Thus, at best a combination of Aristides and Knudson might yield a system in which viewers designate favorite programs (both linear and non-linear) from an EPG that includes cable channel listings. Such a system would still not be one in which the blending of choices was a service provider-defined blending, as is presently claimed. Hence, the present claims are patentable over Knudson even in view of Aristides.

II. Claim 11 is patentable over Knudson in view of Aristides even when considered in combination with Sampsell, because neither reference describes a user interface having a service provider-defined blending of television program choices as presently claimed.

Claim 11 depends from claims 6 and, therefore, is patentable over Knudson in view of Aristides for the reasons discussed above. Adding the teachings of Sampsell, U.S. Patent No. 6,219,839 (hereinafter, "Sampsell") does not alter this conclusion.

Sampsell describes a user interface and method to control the operation of multiple components in an audio/visual system. (Sampsell Column 1 Lines 8-10). An Electronic Resources Guide (ERG) capable of recognizing that a new A/V peripheral has been added to a network, learning how the peripheral is connected within the viewer's A/V system or network, integrating that information into a guide for the network, and then displaying that information so that the user may control and view the programming provided by the new peripheral much the same as a user may select to view broadcast programming displayed in an EPG is discussed. (Sampsell Column 2 Lines 19-27).

Assuming such capabilities were integrated with the system described by Knudson, at most one would be provided with an electronic program guide system that allows viewers to designate a set of "favorites", which may include linear and non-linear programming choices, and which also displayed information concerning how a peripheral is connected within the viewer's A/V system or network. Such a guide would still not include a service provider-defined blending of television program choices from which a viewer may select, as presently claimed. Hence, claim 11 is patentable over this combination of references.

III. Claims 16-23 are patentable over Knudson in view of Aristides, even when considered in combination with Alexander, because neither reference describes a user interface having a service provider-defined blending of information as presently claimed.

Claim 16 recites the service-provider defined nature of the blending discussed above and, therefore, is patentable over Knudson in view of Aristides for all of the same reasons as claims 1 and 6. Combining the teachings of Alexander, U.S. Patent No. 6,177, 931 (hereinafter, "Alexander") does not alter this conclusion.

Alexander describes an EPG which allows a user to select an icon associated with a program option and thereby connect to an Internet website to learn more about the program. (Alexander Column 18 Lines 1-54, Figure 8). However, this managed content is not available on the same screen as the programming choices. Hence, combining these teachings with those of Knudson would, at most, lead to a system in which users would be provided with an electronic program guide system

that allows viewers to designate a set of “favorites”, which may include linear and non-linear programming choices, and which also allow the user to visit an Internet site to learn more about a programming option.

This is distinctly different from the presently claimed user interface, which includes a single screen having various regions for displaying a service provider-defined blending of non-linear programming information, linear programming information and managed content relevant to the linear and non-linear programming information. Consequently, claim 16 and its dependent claims are patentable over this combination of references.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 19-3140.

Respectfully submitted,

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Dated: December 7, 2006

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